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November 6, 2023

VIA ECF

Hon. Katharine H. Parker, U.S.M.J.
U.S. District Court
Southern District of New York
Thurgood Marshall US Courthouse
40 Foley Square
New York, New York 10007

APPLICATION GRANTED

Katharine H Parker
Hon. Katharine H. Parker, U.S.M.J.

11/06/2023

Re: Asaro v. Precision Document Solutions, Inc., 1:23-cv-05739 (PAE)(KHP)

Dear Judge Parker:

This firm represents Plaintiff Albert Asaro in the above-referenced matter. We write, to inform the Court that Plaintiff intends to request a Certificate of Default as to the Defendant and further pursue a default judgment against them and to respectfully request cancellation of the Initial Case Management Conference presently scheduled for November 9, 2023 at 11:30 a.m. (Dkt. 9.)

As background, the Summons was issued in this matter on July 6, 2023. (Dkt. 4.) and Plaintiff served the Summons and Complaint upon this out-of-state Defendant via its agent, The Office of Secretary of State, State of New York, on July 25, 2023. (Dkt. 7.) After Defendant's time to respond to the Complaint expired, on September 26, 2023, the Court granted Plaintiff's request for additional time to allow Plaintiff to contact Defendant to remind Defendant of its obligations. (Dkt. 9.) Thereafter on September 25, 2023 Plaintiff mailed, via first class mail and FedEx, courtesy copies of the Summons and Complaint, the Affidavit of Service, and a cover letter to Defendant.

To date, Defendant has not answered or otherwise appeared in the case, and no attorney representing the Defendant has contacted the Plaintiff nor filed a Notice of Appearance. Plaintiff, accordingly, respectfully requests the November 9 conference be cancelled and that Plaintiff be granted 30 days to initiate the default judgment proceedings. This is the second request for an adjournment. As Defendant has not yet appeared, we are unable to ascertain whether it consents to this request.



The Honorable Katharine H. Parker

November 6, 2023

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We greatly appreciate the Court's consideration of this request.

Respectfully submitted,
LIPSKY LOWE LLP

s/ Christopher H. Lowe
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